

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

JHONGER ANDREY CAICEDO
GARCIA,

Petitioner,

v.

KRISTI NOEM, et al.,

Respondents.

Case No. 2:25-cv-09255-SRM-MAA

**REPORT AND RECOMMENDATION
OF UNITED STATES MAGISTRATE
JUDGE**

This Report and Recommendation is submitted to the Honorable Serena R. Murillo, United States District Judge, pursuant to 28 U.S.C. § 636 and General Order 05-07 of the United States District Court for the Central District of California.

On September 26, 2025, Petitioner, represented by counsel, filed a Petition for Writ of Habeas Corpus ("Petition"). (Pet., ECF No. 1.) The Petition alleged that Petitioner was in the custody of the United States Department of Homeland Security, Immigration and Customs Enforcement ("ICE") in the basement of the federal building at 300 North Los Angeles St., Los Angeles, California, and that he had been arrested and was being held in violation of the Constitution and laws of the United States. (*See generally* Pet.) Respondents answered the Petition on October 15, 2025

1 (ECF No. 6), and on October 21, 2025, they filed a Notice of Removal and
2 Suggestion of Mootness informing the Court that Petitioner had been removed from
3 the United States to Colombia on October 16, 2025 (ECF No. 7). Petitioner filed a
4 Reply on October 22, 2025, acknowledging that Petitioner had been deported to
5 Colombia and withdrawing the Petition. (ECF No. 9.) The Court therefore
6 recommends that the Petition be dismissed without prejudice as moot.

7 “Article III of the Constitution limits federal courts to the adjudication of
8 actual, ongoing controversies between litigants.” *Deakins v. Monaghan*, 484 U.S.
9 193, 199 (1988). “Mootness is jurisdictional.” *Burnett v. Lampert*, 432 F.3d 996,
10 999 (9th Cir. 2005) (citing *Cole v. Oroville Union High Sch. Dist.*, 228 F.3d 1092,
11 1098 (9th Cir. 2000)). If an event occurs while a case is pending that makes it
12 impossible for the court to grant “any effectual relief whatever” in favor of the
13 prevailing party, the case must be dismissed as moot. *See Calderon v. Moore*, 518
14 U.S. 149, 151 (1996) (*per curiam*) (quoting *Mills v. Green*, 159 U.S. 651, 653
15 (1895)). “This means that, throughout the litigation, the plaintiff ‘must have
16 suffered, or be threatened with, an actual injury traceable to the defendant and likely
17 to be redressed by a favorable judicial decision.’” *Spencer v. Kemna*, 523 U.S. 1, 7
18 (1998) (quoting *Lewis v. Cont’l Bank Corp.*, 494 U.S. 472, 477 (1990)). “For a
19 habeas petition to continue to present a live controversy after the petitioner’s release
20 or deportation . . . there must be some remaining ‘collateral consequence’ that may
21 be redressed by success on the petition.” *Abdala v. I.N.S.*, 488 F.3d 1061, 1064 (9th
22 Cir. 2007).

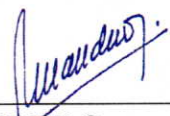
23 Here, Petitioner sought relief from detention by immigration authorities, as
24 well as injunctive relief preventing transfer out of the Central District during the
25 pendency of removal proceedings and removal from the United States without the
26 procedures required by the Immigration and Nationality Act. (Pet. 6.) Petitioner
27 does not appear to allege any collateral consequences that can be addressed by the
28 Court at this time. Petitioner appears to concede this point by “withdraw[ing] his

1 habeas petition” in his Reply. (ECF No. 9 at 4.) As Petitioner has been removed to
2 Colombia, there is no further relief this Court can provide. *See, e.g., Rodriguez*
3 *Marmol v. Dep’t of Homeland Sec.*, No. 5:25-CV-2236-DSF-RAO, 2025 WL
4 3192100, at *1 (C.D. Cal. Nov. 14, 2025) (dismissing as moot habeas petition
5 seeking “release from immigration detention” after petitioner was removed to
6 Mexico, “[b]ecause there is no further relief that this Court can provide”); *Ortega v.*
7 *Andrews*, No. 1:25-CV-00730-HBK (HC), 2025 WL 3110992, at *2 (E.D. Cal.
8 Nov. 6, 2025) (dismissing as moot habeas petition seeking “a bond hearing and/or
9 release from immigration detention” after petitioner was removed to Mexico, as no
10 collateral consequences had been alleged that could “be remedied by a successful
11 ruling on the Petition”); *Van Minh v. Dep’t of Homeland Sec.*, No. 5:25-CV-02245-
12 HDV-JDE, 2025 WL 3079046, at *2 (C.D. Cal. Nov. 3, 2025) (dismissing as moot
13 habeas petition seeking release from “indefinite detention” by immigration officials
14 after petitioner was removed from the United States). Petitioner seeks relief for an
15 injury that “cannot be ‘redressed by a favorable . . . decision’ of the court issuing a
16 writ of habeas corpus.” *See Burnett*, 432 F.3d at 1001 (quoting *Spencer*, 523 U.S.
17 at 7). Thus, the Petition should be dismissed without prejudice as moot.

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19 **RECOMMENDATION**

20 IT THEREFORE IS RECOMMENDED that the District Judge issue an
21 Order: (1) approving and accepting this Report and Recommendation; and
22 (2) dismissing the Petition without prejudice as moot.

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24 DATED: 11/20/2025

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27 _____
28 MARIA A. AUDERO
UNITED STATES MAGISTRATE JUDGE